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# ASPCA®

THE AMERICAN SOCIETY FOR THE  
PREVENTION OF CRUELTY TO ANIMALS

DEPT. OF TRANSPORTATION  
DOCKETS

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October 23, 2002

Docket Management System  
U.S. Department of Transportation  
Room Plaza 401  
400 Seventh Street, S.W.  
Washington, D.C. 20590-0001

Re: Docket Number FAA-2002-1337s

-394

To Whom It May Concern:

On behalf of the American Society for the Prevention of Cruelty to Animals and its 700,000 nationwide supporters, I am writing in support of the proposed regulations as published in the ***Federal Register*** of September 27, 2002, Docket number FAA-2002-13378, and urge you to adopt the regulations without further delay.

The proposed regulations would implement the law that requires air carriers to establish reporting and record keeping for animals that are lost, injured, or killed during air transport separate from the current lost baggage claim system. It also requires that the airlines determine the cause of an incident resulting in the loss, injury or death of an animal, and take corrective action to prevent or minimize its occurrence in the future.

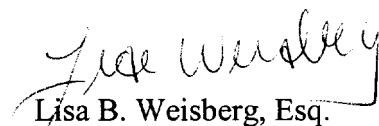
Unfortunately, the proposed regulation limits the animals covered to only those that are kept as a pet, or being sold as a pet. The ASPCA spearheaded the passage of this legislation in 1999-2000. During our lobbying efforts, as well as the drafting of the provisions, it was the original intent of the legislation to include all animals transported, not just those considered one's pet or companion. As such, the ASPCA respectfully urges the Department to expand the definition to reflect this. The legislation as passed also explicitly requires the airlines to establish a training program and train their personnel how to handle and care for the animals in a safe and humane manner when in their custody. Indeed, representatives of the ASPCA met with Deputy Counsel James Whitlow and other members of the Department on September 10, 2001 to discuss ways in which the ASPCA could assist in this effort given our expertise and operation of AnimalPort at John F. Kennedy Airport in New York City. A training program is crucial to carry out the mandates of the law; i.e., prevent and minimize animals escaping from their carriers, or sustaining injuries or perishing during transport.

The ASPCA continues to learn about numerous incidents involving animals during transport and wants to thank the Department for issuing these proposed regulations in such a timely fashion, especially given the pressing issues facing the Department since September 11, 2001. Adoption of the proposed regulations will go far in assisting in this

effort, as well as provide the public with vital information concerning an airlines' track record transporting animals in order to make an informed decision. The ASPCA is aware of the strong opposition being lodged by the airlines and animal related organizations against adoption of the proposed regulations so as to delay indefinitely implementation of the law. The ASPCA would urge the Department, however, to adopt the regulations without further delay and to expand the definition of animal as noted above, as well as establish standards by which airlines are required to train their personnel in the humane handling and care of the animals in their custody. The ASPCA stands ready to assist the Department and the airlines in this effort.

Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in cursive script, reading "Lisa B. Weisberg". The signature is written in dark ink and is positioned above the printed name.

Lisa B. Weisberg, Esq.

Senior Vice President

Government Affairs and Public Policy